

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

GEORGE E. MEDLEY,

Plaintiff,

vs.

Civ. No. 00-534 LH/WWD

MICHAEL SANDOVAL, et al.

Defendants.

REPORT AND RECOMMENDATION

The complaint in this civil rights case was filed April 17, 2000. On December 14, 2000, an order was entered by United States Magistrate Judge William W. Deaton setting a settlement conference for May 31, 2001, at 2:00 p.m. On April 18, 2001, Attorney Louis J. Vener moved to withdraw as counsel for Plaintiff, and on May 11, 2001, an order was entered granting Vener's motion to withdraw. Plaintiff failed to appear at the settlement conference on May 31, 2001. Defense counsel were hampered in their attempts to evaluate the case because Attorney Vener had difficulty contacting his client while he was still representing that client, and no discovery was conducted. On the day of the settlement conference, counsel for Defendant Bradford Enterprises, Inc., Luis N. Colon, Esq., delivered an order from the Commonwealth Court of Pennsylvania placing Reliance Insurance Company, apparently the insurer of Bradford Enterprises, Inc., into "rehabilitation" which required that any payments to be made by any claimant of Reliance would have to be approved by the Rehabilitator.

Recommendation

I recommend that this matter be dismissed without prejudice for Plaintiff's failure to prosecute his lawsuit.


UNITED STATES MAGISTRATE JUDGE